

Auxiliary Aids and Services

As a recipient of Federal Financial Assistance, the North Dakota Department of Transportation (NDDOT) assures compliance with Title VI of the Civil Rights Act of 1964, Regulations, and other pertinent directives. NDDOT is required to take reasonable steps to ensure meaningful access to persons with Limited English Proficiency (LEP) through oral and written translation.

Additionally, NDDOT has a responsibility to develop a policy in advance of any request for auxiliary aids or services for persons with impaired vision and hearing. With respect to the provision of auxiliary aids to access State Transportation Agency/Local Public Agency (STA/Subrecipient) programs, services and activities, the most likely of these will be public activities in connection with the planning and construction of federal-aid construction projects. Program areas where auxiliary aids and effective communications may be required include, but are not limited to the following: bid opening events, Disadvantaged Business Enterprise (DBE) certification activities, right-of-way proceedings (appraisals, acquisitions), public telephone lines (511, project hotlines, pothole repair hotlines), law enforcement activities (if STA has a law enforcement branch), groundbreaking/ribbon-cutting ceremonies, and rest area tourist information centers.

Auxiliary aids and services for deaf or hard of hearing include a wide range of services, equipment, and devices such as:

- sign language interpreter
- note takers
- computer-aided real-time transcription services (CART)
- amplified and hearing-aid compatible telephones
- assistive listening systems
- open or closed captioning and caption decoders
- video relay, or
- text telephones/telephone communication devices for the deaf (TTY/TDD), and
- flashing alarms

Auxiliary aids and services for the vision impaired include providing access to printed information through the following:

- audiotape cassettes
- computer diskettes
- Braille or large print materials, or through the use of qualified readers
- providing verbal descriptions of action and visual information to enhance the accessibility of performances and presentations; and
- making a staff member available as a guide to enable a person with limited vision to find his or her way along an unfamiliar route

The following information provides a synopsis of the critical facts and costs involved in providing oral and written communication services.

North Dakota has laws governing Interpreter Services for individuals that are deaf, deaf-blind, speech impaired, hard of hearing, or who require special communication techniques in order to communicate. Our policy should identify what qualifications are required for interpreters after reviewing the North Dakota Century Code as the Federal Highway Administration (FHWA) Americans With Disabilities Act (ADA) Desk Reference states that when sign language

interpretation is necessary, the ADA requires that it be provided by a “qualified interpreter” and defined at [28 C. F. R. § 35.104].

- ▶ North Dakota Century Code
 - Under Occupations & Professions, Chapter 43-52 Interpreters
 - Defines requirements for deaf persons
 - Requires a valid nationally recognized certification or met certification by 2003
 - Contains exceptions
 - Under Judicial Procedure, Civil, Chapter 28-33 Interpreters For Deaf Persons
 - Defines requirements for deaf persons
 - Includes administrative proceedings
 - Requires “Qualified interpreter”- certified by the national registry of interpreters for the deaf or ND Association for the deaf, interpreter approved by the superintendent of the school for the deaf, or, if none available, any other interpreter whose qualifications have been appropriately determined.

The FHWA ADA Desk Reference allows flexibility in providing accommodations. A visual communication accommodation may include the use of other auxiliary aids such as recorded text, electronic documents, or large print text depending on the circumstances.

The FHWA Limited English Proficiency Program Desk Reference states that oral interpreters are not required to have formal certification but certification is helpful. Recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English by following the Safe Harbor provisions.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) below outline the circumstances that can provide a “safe harbor” for recipients regarding the requirements for translation of written materials. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

The following actions will be considered strong evidence of compliance with the recipient’s written-translation obligations:

- a. The STA/Subrecipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b. If there are fewer than 50 persons in a language group that reached the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in

the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Available Sources

There are several sources to obtain auxiliary aids and services for persons with Limited English Proficiency or speech, hearing, and vision impairments. Some of the most common sources are as follows:

- ▶ Communication Services for the Deaf (CSD) and Interpreting Online (CSDIO)
- ▶ CTS Language Link
- ▶ Interagency Program for Assistive Technology (IPAT)
- ▶ International Translation Services
- ▶ Language Line Services
- ▶ Metro Interpreter Resource Center (MIRC)
- ▶ ND Association for the Blind (NDAB)
- ▶ North Dakota School for the Deaf
- ▶ ND Vision Services/School for the Blind (NDVS/SB)
- ▶ Pacific Interpreters, Inc.
- ▶ Relay North Dakota

Communication Services for the Deaf (CSD) and Interpreting Online (CSDIO)

CSD is a private, nonprofit organization dedicated to providing services for all individuals who are deaf or hard of hearing. Interpreter service information including service area, hours of service, rates, etc., can be obtained by contacting CSD.

Additionally, CSD operates CSDIO which enables deaf and hearing people in the same room to communicate through an interpreter at a distant location. Video conferencing equipment is required for this service.

Contact: Cathy Obregon, Communication Services for the Deaf, P.O. Box 66, Fargo, ND 58107; (701) 799-1395; email: cobregon@c-s-d.org website: www.c-s-d.org

CTS LanguageLink

CTS LanguageLink is located in Vancouver, Washington. CTS LanguageLink provides a variety of services including Over-the-Phone-Interpretation, Video Remote Interpretation, Translation, etc. CTS LanguageLink offers telephone interpretation services in more than 240 languages and dialects, and can accommodate call centers and industries like court/legal, general business, government and healthcare/medical.

The State of North Dakota has contracted with CTS Language Link for telephone based interpretive services under the Western States Contracting Alliance (WSCA). The contract provides 24/7/365-days/year/7-days/week/24-hours a day Telephone Based Interpreter Services on an "as needed" basis for Limited English Proficiency (LEP) clients needing

immediate interpreter assistance. The contract is not for scheduled, in-person interpretation services.

Government agencies may access the contract at The North Dakota State Procurement Office website at the following location:

<https://secure.apps.state.nd.us/csd/spo/services/bidder/listCurrentContracts.htm>

Contact: Jackie Angel, CTS LanguageLink , WSCA Account Executive, 911 Main St, Suite 10, Vancouver, WA 98660; 1-800-208-2620; email: Jackie.Angel@ctslanguagelink.com ; website: www.ctslanguagelink.com

Interagency Program for Assistive Technology (IPAT)

The North Dakota Interagency Program for Assistive Technology (IPAT), which is North Dakota's Statewide Assistive Technology (AT) Program, was established under the Department of Human Services (DHS), as a Program of the Division of Vocational Rehabilitation (VR) in 1993. At that time, DHS/VR was designated as the lead agency by the Governor. IPAT developed the goals and carried out all of the AT activities required under the AT Act from 1993 to 2005. Effective July 1, 2005, Governor Hoeven designated the North Dakota Association for the Disabled as the implementing entity for the Statewide AT Program. (Note: The entire IPAT operation moved under the administration of NDAD and became a program of NDAD as of July 1, 2005, thus providing sufficient time for NDAD/IPAT to prepare and submit the Statewide AT Plan.) DHS will continue to act as the lead agency, and will control and administer the funds made available through the grant awarded to the State; and will submit the application described in subsection (d) of the AT Act of 1998, as amended on behalf of the State, to ensure conformance with Federal and State accounting requirements.

IPAT is the North Dakota Telecommunications Equipment Distribution Service for relay equipment. IPAT provides free specialized telecommunications equipment for individuals who are deaf, hard-of-hearing, deaf-blind, or have a speech disability who meet income, residency, disability, etc., qualifications.

IPAT operates a statewide assistive technology Equipment Rental Program for short-term access to a variety of assistive devices. The rental program offers a wide range of devices for short term loan, including: communication; telecommunications; computer access; vision; hearing; seating, positioning, and personal mobility, etc. Rental fees and procedures can be accessed on IPAT's website.

Contact: Judie Lee, Executive Director, Program Director, IPAT, 3240 15th St. South, Suite B, Fargo, ND 58104; (701) 365-4728; toll free 1-800-895-4728; email: jlee@ndipat.org website: www.ndipat.org

International Translation Services

International Translation Services is located in Moorhead, Minnesota. Leonor Sillers, owner, provides onsite and telephonic interpreters. She also provides written translation services. Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting Leonor Sillers.

Contact: Leonor Sillers via email: Leonor.Sillers@gmail.com no website

Language Line Services

Language Line Services is located in California and provides services nationwide. They provide telephonic interpreting in about 170 languages. They also provide document translation and web pages. They offer personal interpreter services where no contract is required. You dial in their number and walk through the steps. Contractual services include other benefits such as tracking calls, speaking tips, reference guides, web meeting training, do's and don'ts. No onsite interpretation is available in North Dakota. Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting Language Line.

Language Line Services also provides Video Interpreter Service for persons that are deaf. Video equipment is required to provide this service. You may view a brief video interpreting for a deaf person on their website listed below.

Contact: Language Line Representative 1-877-716-0669; website: www.language-line.com

Metro Interpreter Resource Center (MIRC)

The Metro Interpreter Resource Center (MIRC) is located in and serves the Fargo area. They work with local city and county government. Interpreters are not employees of MIRC. MIRC does provide interpreter training. MIRC provides access to an Oral Interpreter List for an annual fee for nonprofits and for profit businesses.

Onsite or oral Interpreters are qualified and some may be certified. Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting MIRC.

Fargo has approximately 13 languages and 9 dialects. Individuals who are illiterate speak Mother's Tongue which means their native language.

Contact: Hatidza Asovic, Coordinator, MIRC, 3350 35th Ave SW, Fargo, ND 58104; (701) 241-8594; email: hasovic@cityoffargo.com website: www.rrrmirc.com

ND Association for the Blind (NDAB)

The North Dakota Association for the Blind publishes the Promoter, a quarterly newsletter. The Promoter is available in alternative formats. You may submit notices or information for publication in the Promoter. Details regarding publications can be obtained by contacting NDAB.

Contact: Michelle Zentz, President, NDAB, 1025 7th Ave S #5, Fargo, ND 58103; (701) 298-9105; website: www.ndab.org or Zelda Gebhardt, Promoter Editor, zgeb@drtel.net (701) 493-2399

North Dakota School for the Deaf

The North Dakota School for the Deaf maintains the ND Freelance Interpreter's List on their website. A disclaimer states that the interpreters listed are not endorsed or in any way recommended by the ND School for the Deaf other than the fact they hold national certification. The interpreters list can be accessed at the web link below.

Contact: President of the ND Register of Interpreters for the Deaf, Lake Region State College, 1801 College Drive N, Devils Lake, ND 58301; (218) 969-3881; website: www.nd.gov/ndsd
Web link for Interpreters List: www.nd.gov/ndsd/outreach/doc/freelance-interpreters-2011.pdf

ND Vision Services/School for the Blind (NDVS/SB)

North Dakota Vision Services/School for the Blind operates a Braille Access Center that transcribes materials into Braille or large print and electronic media. The cost of Braille or another alternative formatted project can be obtained by contacting NDVS/SB.

Contact: Crystal Roy, ND vision Services/School for the Blind, 500 Stanford Rd, Grand Forks, ND 58203; (701) 795-2713; email: croy@nd.gov website: www.ndvisionservices.com

Pacific Interpreters, Inc.

Pacific Interpreters, Inc. is located in Portland, Oregon and provides services nationwide. Pacific Interpreters provides customized information reporting including monthly detailed reports in Excel spreadsheets to save their clients time in compiling information about each encounter. They provide telephonic interpreting in over 180 languages and dialects with language availability of 99.925%. Pacific Interpreters offers document translation in over 120 languages. They specialize in the translation of medical and social service documents including web pages. Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting Pacific Interpreters, Inc.

Contact: Pacific Interpreters, Inc., 707 SW Washington, Suite 200, Portland, OR 97205; (800) 311-1232; website: www.pacificinterpreters.com

Relay North Dakota

Relay North Dakota is a free service within your local calling area that lets a person that is hearing or speech impaired communicate with standard telephone users through specially trained Communications Assistants (CA). Relay North Dakota serves TTY Users, Hearing Users, Voice Carry-Over (VCO), Hearing Carry-Over (HCO), Speech-to-Speech (STS), Spanish Relay, International Calls, and Emergency Calls. For example: A person who is deaf, deaf-blind, hard-of-hearing, or has a speech disability uses a Text Telephone (TTY) sometimes called a Telecommunication Device for the Deaf (TDD) to type his/her conversation. The CA reads the typed conversation to a hearing person. The CA relays the hearing person's spoken words by typing them back to the TTY user. Hearing Users such as NDDOT personnel can call hearing or speech impaired individuals from standard telephones through Relay North Dakota. Calls can be made worldwide 24 hours a day, 365 days a year. Long distance call rates are determined by the carrier of choice. Sprint long distance calls are billed at a reduced rate. Notify the CA of your preferred billing option. Toll calls may be billed through calling cards, prepaid cards, collect, and third party billing. There is no charge for Telecommunication Relay Services (TRS) calls placed from payphones.

Captioned Telephone Service (CapTel) is provided free of charge (except long distance charges) through Relay North Dakota and is ideal for people with some degree of hearing loss. A CapTel phone is required to use this service. A CapTel phone allows the impaired user to simultaneously hear the caller's voice and see captions of everything said to them. Online relay services through Sprint include Video Relay, Internet Relay, and IP Relay using AOL Instant Messenger (AIM).

Roxy Ennen, Relay ND Administrator, stated that most agencies have done away with the TTY/TDD, thus relieving the monthly cost for that service, as any deaf person can dial 711 or 800-366-6888 (toll free) and receive immediate free interpreter service from Relay North Dakota. Anyone can dial 771 or the toll free number to contact persons with hearing impairments at no cost, too.

Contact: Roxy Ennen, Relay ND Administrator, Telecommunications Analyst, ITD, Dept 112, 600 East Blvd., Bismarck, ND 58505-0100; (701)323-2300; email: rennen@state.nd.us
Website: www.relaynorthdakota.com

INTERNET RESOURCES

Limited English Proficiency, a Federal Interagency Website, promotes a positive and cooperative understanding of the importance of language access to federally conducted and federally assisted programs. It is located at www.lep.gov. Under Resources there are numerous documents addressing language issues. See specifically the following documents:

- Accessing and Using Language Data from the Census Bureau
- Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance
- Language Identification Flashcard (I Speak card)

North Dakota Department of Public Instruction website provides statistics on the location and number of students with Limited English Proficient skills. This information may provide an alternate method of identifying LEP populations. Their website is located at www.dpi.state.nd.us

- Select, Programs & Services
- Select, English Language Learner Programs
- Select, Title III Information
- Select, List of English Language Learners by REAs (Regional Education Cooperative) for Limited English Proficient statistics for youth.

United States Access Board, a Federal Agency Committed to Accessible Design, is an independent federal agency devoted to accessibility for people with disabilities. The Board is now a leading source of information on accessible design. Their website is located at www.access-board.gov

United State Census Bureau, at the Census Bureau Web Site provides on-line access to Data on Race and Hispanic Origin, Age, Employment, Income, Marital Status, Education, Genealogy, Businesses, Governments and more. It is located at www.census.gov. Under American Fact Finder you can locate detailed data sets. There is a Help tab available on the Fact Finder ribbon. (Accessing Census Bureau Instructions are found at www.lep.gov)

U.S. Department of Justice, Americans with Disabilities Act, ADA Home Page is found at www.ada.gov

- Scroll through ADA Publications to State and Local Governments
 - Select Title II Technical Assistance Manual.
 - Select the Title II Technical Assistance Manual (1993) and Supplement to view a 56-page manual that explains in lay terms what State and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance. (Spanish edition available from the ADA Information Line.)

US Department of Transportation, Federal Highway Administration (FHWA) carries out the Federal highway programs in partnership with the State and local agencies to meet the Nation's transportation needs. FHWA's website hosts vast information about nondiscrimination issues. FHWA's Home Page is found at www.fhwa.dot.gov Under Programs, select Browse by Topic, and see specifically the following:

- Under Environment
 - Select Environmental Justice (EJ) – this is the Home Page
 - Select Overview – describes and explains Environmental Justice issues
- Under Road Users
 - Select Civil Rights – this is the Home Page
 - Under Programs – Select and read about FHWA Programs
 - Title VI and Nondiscrimination
 - Limited English Proficiency
 - Americans with Disabilities Act (ADA)/Section 504 of the Rehabilitation Act of 1973 (504)
 - Many others